

85<sup>th</sup> Legislative Session – 2010

Committee: House Commerce

Wednesday, January 27, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Blake  
P Conzet  
P Fargen  
P Greenfield  
P Jensen  
P Kirschman  
P Krebs  
P Novstrup (David)  
E Nygaard  
P Pitts  
P Solberg  
P Solum, Vice-Chair  
P Rounds, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Rounds.

MOTION: TO APPROVE THE MINUTES OF JANUARY 22, 2010

Moved by: Kirschman  
Second by: Solberg  
Action: Prevailed by voice vote.

HB 1002: revise certain provisions regarding the days and hours that alcoholic beverages may be sold on a licensed premise and who may sell, serve, or dispense alcoholic beverages on a licensed premise.

Presented by: Representative Charles Turbiville  
Proponents: Yvonne Taylor, SD Municipal League

Bob Riter Jr., SD Beer Wholesalers

There was previous testimony and discussion of HB 1002 at the January 22 meeting.

MOTION: AMEND HB 1002

1002fa

On page 3, after line 11 of the printed bill, insert:

" Section 7. That § 35-4-2.8 be amended to read as follows:

35-4-2.8. An on-sale licensee, licensed under subdivision 35-4-2(4) or (6), may also be licensed under subdivision 35-4-2(12) or (16), or both. A licensee holding two or more licenses pursuant to this section may exercise the privileges granted under the license issued pursuant to subdivision 35-4-2(12) or subdivision 35-4-2(16) ~~during the time specified in § 35-4-81.2.~~".

Moved by: Krebs  
Second by: Solum  
Action: Prevailed by voice vote.

MOTION: AMEND HB 1002

1002fc

On page 3, after line 11 of the printed bill, insert:

"

Section 7. That § 9-29-7 be amended to read as follows:

9-29-7. ~~Every~~ Each municipality ~~shall have power to~~ may prohibit or regulate the transaction of business in alcoholic beverages; ~~and the use and consumption thereof, and to of alcoholic beverages,~~ establish the number of on- and off-sale licenses which may be issued; and the fees to be charged ~~therefor, for the licenses, and~~ provide for reasonable classifications of on-sale and off-sale licenses ~~and for the issuance of high-point beer on- and off-sale licenses to licensees holding high-point beer licenses on December 31, 1979, for which the fees to be charged for the various classifications shall be uniform within each class, consistent with the provisions of Title 35. The secretary of revenue shall be promptly furnished certified copies of all ordinances and resolutions or amendments thereto adopted relating to the exercise of these powers.~~

~~—No high-point beer license provided for in this section may be transferred as to site.~~

Section 8. That subdivision (8) of § 7-8-20 be amended to read as follows:

- (8) To regulate the transaction of business in alcoholic beverages; and the use and consumption ~~thereof of alcoholic beverages~~, to establish the number of on-sale licenses which may be issued, to provide for reasonable classification of on-sale licenses and ~~to~~ fix the fees to be charged for the ~~various classifications which shall be uniform within each class~~, all licenses consistent with the provisions of Title 35. ~~The secretary of revenue shall be promptly furnished certified copies of all ordinances and resolutions or amendments thereto adopted relating to the exercise of these powers;~~

".

Moved by: Greenfield  
Second by: Krebs  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1002 AS AMENDED

Moved by: Greenfield  
Second by: Krebs  
Action: Prevailed by roll call vote. (9-3-1-0)

Voting Yes: Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Solum, Rounds

Voting No: Blake, Pitts, Solberg

Excused: Nygaard

MOTION: AMEND TITLE OF HB 1002

1002fta

On page 1, line 3, of the printed bill, after "premise" insert "and to revise certain provisions concerning the power of municipalities and counties to regulate the sale and use of alcoholic beverages".

Moved by: Krebs  
Second by: Fargen  
Action: Prevailed by voice vote.

HB 1086: permit certain municipalities to issue an additional off-sale alcoholic beverage license.

Presented by: Representative Mike Verchio

MOTION: AMEND HB 1086

1086sa

On page 1, line 7, of the printed bill, delete "if one of the" and insert "only if one of the existing".

Moved by: Greenfield  
Second by: Fargen  
Action: Prevailed by voice vote.

MOTION: AMEND HB 1086

1086sb

On page 1, line 7, of the printed bill, after "open" insert "and remains open".

Moved by: Greenfield  
Second by: Fargen  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1086 AS AMENDED

Moved by: Solum  
Second by: Jensen  
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David), Pitts, Solberg, Solum, Rounds

Excused: Nygaard

HB 1003: reduce the time period for revising fees for full-service restaurant on-sale licenses.

Presented by: Representative Dan Lederman  
Proponents: Yvonne Taylor, SD Municipal League  
Opponents: Tim Dougherty, Licensed Beverage Dealers of SD

MOTION: DEFER HB 1003 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Greenfield  
Second by: Kirschman  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1003

Moved by: Krebs  
Second by: Jensen  
Action: Failed by roll call vote. (4-8-1-0)

Voting Yes: Conzet, Jensen, Krebs, Novstrup (David)

Voting No: Blake, Fargen, Greenfield, Kirschman, Pitts, Solberg, Solum, Rounds

Excused: Nygaard

MOTION: DEFER HB 1003 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Greenfield  
Second by: Kirschman  
Action: Prevailed by roll call vote. (8-4-1-0)

Voting Yes: Blake, Fargen, Greenfield, Kirschman, Pitts, Solberg, Solum, Rounds

Voting No: Conzet, Jensen, Krebs, Novstrup (David)

Excused: Nygaard

HB 1069: revise certain provisions relating to the transportation of alcoholic beverages and to authorize transportation by religious organizations under certain circumstances.

Presented by: Representative Richard Engels

MOTION: DO PASS HB 1069

Moved by: Fargen  
Second by: Solum  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1069

1069sa

On page 2, line 7, of the printed bill, delete "two" and insert "four".

Moved by: Greenfield  
Second by: Krebs  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1069 AS AMENDED

Moved by: Krebs  
Second by: Solum  
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Blake, Conzet, Fargen, Greenfield, Jensen, Kirschman, Krebs, Novstrup (David),  
Pitts, Solberg, Solum, Rounds

Excused: Nygaard

THE CHAIR DEFERRED HB 1004 UNTIL FEBRUARY 2, 2010

MOTION: ADJOURN

Moved by: Solberg  
Second by: Greenfield  
Action: Prevailed by voice vote.

Diane Mellan  
Committee Secretary

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Tim Rounds, Chair